THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21030 OF 2006

DATED 18th OCTOBER, 2006

BETWEEN

M/s.S.A.Ice Factory

… Petitioner

and

The Central Power Distribution Company of A.P., Ltd., rep.by its Superintending Engineer (Operations), Ranga Reddy District Circle, Hyderabad and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21030 OF 2006

ORDER:

The petitioner is a proprietary concern engaged in the manufacturing of ice. It is availing electricity power supply under category III with S.C.No.1713. The third respondent issued bill No.1293, dated 14.06.2001 demanding Rs.2,92,998/- including arrears of Rs.1,63,903/-. Aggrieved by the same, the petitioner filed W.P.No.12752 of 2001. While passing interim orders, this Court directed the petitioner to deposit a sum of Rs.1,00,000/- and the the same was paid by the petitioner. The writ petition was ultimately disposed of on 12.08.2002 giving liberty to the petitioner to make representation to the authorities within a period of four weeks therefrom. The petitioner accordingly made a representation. It is alleged that the same was not disposed of but the third respondent issued a letter dated 19.05.2006 calling upon the petitioner to pay a sum of Rs.6,33,638/- towards charges within fifteen days. After receiving the same on 29.05.2006, the petitioner made a representation on 03.06.2006 and also filed W.P.No.11496 of 2006 apprehending disconnection of power supply. This Court passed interim orders on 24.07.2006 in W.P.M.P.No.14283 of 2006 directing the respondents to consider the representation made by the petitioner and pass a reasoned order, while observing that coercive steps shall not be taken for recovery of the amount or for disconnection of service. The petitioner again made a representation on 27.07.2006. The first respondent then passed orders on 13.09.2006 duly waiving forty per cent of the amount towards interest and short bill of Rs.1,63,903/- and granted permission to the petitioner to pay Rs.4,99,735/- in six monthly instalments. The petitioner alleges that when the respondents admitted in their counter affidavit in W.P.No.11496 of 2006 that there was a mistake on their part, levy of interest on the current consumption (CC) charges/arrears of CC charges is illegal and arbitrary. Therefore, he filed the instant writ petition seeking invalidation of the orders of the first respondent, dated 13.09.2006.

Learned counsel for the petitioner would place strong reliance on the counter averments in W.P.No.11496 of 2006 in support of the

contention that the mistake was on the part of the respondents in issuing CC bills from 12/2000 to 4/2001 and therefore, levy of interest is arbitrary. The learned standing counsel for APCPDCL refutes the contentions.

When the Bill for the month of May, 2001 was issued claiming a sum of Rs.2,92,998/- including the arrears, the petitioner filed the writ petition. The same being W.P.No.12752 of 2001 was disposed of by this Court giving liberty to the petitioner to make a representation. Though allegedly the petitioner made representations till the third respondent issued another letter on 19.05.2006, he did not pursue the matter with the respondents. He went on availing power supply and presumably for the reason that he deposited Rs.1,00,000/- pursuant to orders of this Court, power supply was not disconnected for non-payment of CC bills. This will only lead to an inference that though the petitioner accepted for arrears, he was only aggrieved by the levy of interest thereon. Be that as it is, pursuant to the interim orders in W.P.M.P.No.14283 of 2006, the petitioner made a representation on 27.07.2006. A copy thereof is not annexed to the writ petition. However, this Court can draw an inference that in the said representation, he asked for waiver of interest only. Considering the same, APCPDCL passed orders on 09.09.2006 waiving forty per cent of interest on the short bill and permitted the petitioner to pay the balance amount of Rs.4,99,735/- in six instalments @ Rs.83,290/- except the last instalment. This only shows that the respondents acted very fairly and arbitrariness cannot be attributed to them. Having approached the first respondent for waiver of interest and payment of CC charges in instalments, the petitioner cannot turn around and throw the blame on the respondents.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

18.10.2006.
pln